

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR**

**MONDAY, THE 2ND JULY 2007 / 11TH ASHADHA 1929**

**WP(C).No. 20165 of 2006(A)**  
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**PETITIONER:**  
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**PRASEETHA KUMARI V.C.,  
VETTIKOMBU PADINJARE VEETIL, NARIKUNDU P.O.,  
CHEENGAVALLAM, AMBALAVAYAL, WAYANAD.**

**BY ADV. SRI.K.B.GANGESH  
SRI.ANIL GEORGE**

**RESPONDENTS:**  
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**1. THE KERALA PUBLIC SERVICE COMMISSION,  
REP.BY ITS SECRETARY,  
PATTOM PALACE P.O.,  
THIRUVANANTHAPURAM.**

**2. THE STATE OF KERALA,  
REP.BY THE SECRETARY TO GOVERNMENT,  
DEPARTMENT OF AGRICULTURE, SECRETARIAT,  
THIRUVANANTHAPURAM.**

**BY ADV. SRI.P.C.SASIDHARAN, SC, KPSC  
GOVERNMENT PLEADER SRI. P.NANDAKUMAR**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD  
ON 02/07/2007, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

WP(C) NO: 20165/2006 A

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE GAZETTE NOTIFICATION DT. 18/11/03 FOR THE POST OF AGRL. ASSISTANT GR. II.

EXT.P2. COPY OF THE ORDER DT.11/07/2006 BY THE R1.

EXT.P3. COPY OF THE HALL TICKET ISSUED TO THE PETITIONER BY THE R1.

EXT.P4. COPY OF THE SHORTLIST PUBLISHED BY THE R1 FOR THE POST OF AGRL. ASSISTANT GR. II DT. 5/6/06.

EXT.P5. COPY OF THE DISABILITY CERTIFICATE ISSUED TO THE PETITIONER ON 6/11/1997.

EXT.P6. COPY OF THE LETTER DT. 29/11/06.

EXT.P7. COPY OF THE RANK LIST PUBLISHED BY THE R1 FOR THE POST OF ASSISTANT GR. II IN THE PSC BULLETIN DT. 1/10/2006.

*True copy*

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K.BALAKRISHNAN NAIR, J.

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W.P.(C) No.20165 of 2006-A  
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Dated this the 2nd day of July, 2007.

**J U D G M E N T**

The petitioner was a candidate, who applied for the post of Agricultural Assistant Grade-II, in the Department of Agriculture. The petitioner was included in Ext.P4 short list. Thereafter, by Ext.P2 communication she was informed that her application is rejected for the reason that she is a physically challenged person. So, this writ petition was filed, challenging Ext.P2 and also seeking a direction to the Public Service Commission, to interview her. During the pendency of the writ petition, she has been served with Ext.P6 communication stating that she did not get the required marks . She was not included in the final list. In the preliminary list she was included as a physically handicapped person. Later, Ext.P7 final list was published. The petitioner prays for inclusion of her name in the rank list.

2. The Public Service Commission has filed a counter affidavit stating that the stand taken in Ext.P2 has been corrected and it was decided to consider the physically challenged persons also to be included in the rank list. Since the notification did not provide for any special preference to the physically challenged persons, such preference while preparing preliminary list was withdrawn and persons with good physique among the physically handicapped persons have been considered for inclusion in the rank list.

Only two of them were found suitable. Therefore, Ext.P6 communication was issued and Ext.P7 list was published, it is submitted.

Going by the materials produced in this writ petition, the petitioner has failed to show that the procedure followed by the Public Service Commission is illegal or improper. The petitioner has not filed any reply affidavit or amended the writ petition, challenging Ext.P6 or Ext.P7. Therefore, the Writ Petition fails, and it is dismissed.

**K.BALAKRISHNAN NAIR,  
JUDGE.**

**MS**